

IN THE UNITED STATE DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

PAULINE ABEYTA,

Plaintiff,

v.

Cause No. 1:16-cv-1030

GOVERNMENT EMPLOYEES INSURANCE
COMPANY ("GEICO"),

Defendant.

NOTICE OF REMOVAL

Defendant GEICO General Insurance Company ("GEICO") improperly named as Government Employees Insurance Company, by and through its counsel of record, Chapman and Charlebois, P.C. (Donna L. Chapman and Jessica C. Singer) hereby files this Notice of Removal pursuant to 28 U.S.C. §§ 1331, 1441 and 1446, and in support thereof, states as follows:

1. Plaintiff Pauline Abeyta ("Plaintiff") filed her Complaint for UIM Benefits, Insurance Bad Faith, Violation of the Unfair Insurance Practices Act, Punitive Damages, and Attorney's Fees ("Complaint") in the First Judicial District, Bernalillo County, State of New Mexico, in Cause No. D-101-CV-2016-01173 (hereinafter "State Court Action") on May 6, 2016. (See Plaintiff's Complaint, attached hereto as Exhibit A).

2. In her Complaint, Plaintiff alleges she is a resident of the State of New Mexico. (*Id.* at ¶ 1).

3. Plaintiff named Defendant GEICO, as the only Defendant in Plaintiff's Complaint.

4. Defendant asserts GEICO is incorporated and its principal place of business is in the state of Maryland.

5. Diversity of citizenship is present in this matter as set forth in 28 U.S.C. § 1332(a) and 28 U.S.C. § 1441(b)(2).

6. GEICO accepted service on August 19, 2016. (See Exhibit B).

7. Less than thirty (30) days have passed since GEICO accepted service of the initial pleadings on this matter.

8. As GEICO has accepted service and is the only defendant served in this matter, 28 U.S.C. § 1446(b)(2)(A) is satisfied. (See Register of Actions for the State Court Action, hereto attached as Exhibit C).

9. Pursuant to Plaintiff's allegations, the amount in controversy exceeds \$75,000, as set forth in 28 U.S.C. §§ 1441(b)(2).

10. Pursuant to the attached documentation from Plaintiff's counsel, dated February 10, 2016, the amount in controversy exceeds the jurisdictional amount of \$75,000. See also, *Hanna v. Miller*, 163 F.Supp. 2d 1302, 1305-06 (D.N.M. 2001). (See Demand letter from Plaintiff counsel dated February 10, 2016 demanding \$69,500, hereto attached as Exhibit D.)

11. Pursuant to Plaintiff's allegations, the amount in controversy exceeds \$75,000, as set forth in 28 U.S.C. §§ 1441(b)(2).

12. Consistent with to the allegations in Plaintiff's Complaint, dated May 6, 2016, the amount in controversy exceeds the jurisdictional amount of \$75,000. See Complaint ¶¶12, 17, 18 and the Wherefore paragraph). Plaintiff's Complaint seeks an award of punitive damages (Complaint ¶¶17) While GEICO denies liability to Plaintiff for

compensatory or punitive damages, Plaintiff's claim for punitive damages, could exceed the jurisdiction threshold for diversity jurisdiction. Additionally, Plaintiff's Complaint seeks an award of attorney's fees pursuant to NMSA 1978, §39-2-1, NMSA §59A-16-20 and NMSA 1978. (See Complaint, ¶¶ 15 and 18).

13. To confer subject matter jurisdiction on this Court based on diversity of citizenship, the amount in controversy must exceed the sum or value of \$75,000.00, exclusive of interest and cost. 28 U.S.C. §1332(a). Where a complaint does not contain dispositive allegations of the amount in controversy, the jurisdictional amount is determined by the allegations in the underlying complaint. *See e.g., Laughlin v. Kmart Corp*, 50 p.3d, 871, 873 (10 Cir. 1995). Calculations of the amount in controversy include both compensatory and punitive damages. *See, e.g., Bell v. Preferred Life Assur. Soc'y* 320 U.S. 238, 240 (1943); *Watson v. Blakenship*, 30 F.3d 383, 386 (10 Cir.1994). This calculation also includes attorney's fees. *See Miera v. Dairyland Ins. Co.*, No. 96-0136-M, mem.Op. (D.N.M. Feb. 28, 1996)(denying remand of removed action based on availability of attorney's fees under New Mexico Unfair Claims Practice Act and Unfair Trade Practices Act. *See also 14A Wright v. Miller, Federal Practice and Procedure*, §3712, at 176-78, and authorities cited therein; *Foret v. Southern Farm Bureau Life Ins. Co.*, 918 F. 2d 534, 537 (5 Cir. 1990). The calculation also includes treble damages claims.

14. In addition to actual damages in this case, Plaintiff is requesting attorney fees and costs, and punitive damages. Upon information and belief, Plaintiff will likely seek in excess of \$50,000 in attorney's fees through the trial of this matter

15. This case may be removed to this Court by GEICO pursuant to the provisions of 28 U.S.C. §§ 1441(b) and 1446.

16. By and through this Notice of Removal, GEICO removes all claims asserted against it on the basis of diversity jurisdiction, which is conferred upon this Court pursuant to 28 U.S.C. §§ 1332 and 1441.

17. Pursuant to 28 U.S.C. § 1446(d), written notice of the filing of this Notice of Removal is being concurrently served upon the Plaintiff on this date.

18. Pursuant to 28 U.S.C. § 1446(d), GEICO is concurrently filing a Notice of Filing of Removal in the State Court Action, a copy of which is hereto attached as Exhibit E.

19. In addition to the Notice of Filing Notice of Removal in the State Court Action, GEICO is concurrently filing an Entry of Appearance in the State Court Action on this date, a copy of which is hereto attached as Exhibit F.

20. Pursuant to 28 U.S.C. § 1446(a) and D.N.M.LR-Civ. 81.1(a), all process, pleadings, and orders from the State Court Action will be filed with this Court in a separate Transmittal of State Court Record within twenty-eight days (28) of this Notice.

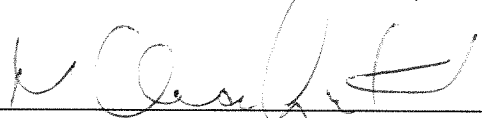

21. A Civil Cover Sheet for this Court is hereto attached as Exhibit G.

WHEREFORE, the removing Defendant gives notice the above-styled action,

which was pending in the First Judicial District, Bernalillo County, State of New Mexico, as Cause No. D-101-CV-2016-01173 is removed to this Court.

Respectfully submitted,

CHAPMAN AND CHARLEBOIS, P.C.

Donna L. Chapman
Jessica C. Singer
P.O. Box 92438
Albuquerque, NM 87109
505-242-6000

donna@cclawnm.com

jessica@cclawnm.com

*Attorneys for GEICO as to the extra-contractual
claims only*

I HEREBY CERTIFY that on the 15 day of September, 2016, I filed the foregoing electronically through CM/ECF system, which caused the following parties or counsel to be served by electronic means, as more fully reflected on the Notice of Electronic Filing:

Michael G. Duran
Keller & Keller, LLC
505 Marquette Ave. NW, Suite 1300
Albuquerque, NM 87102
michaeld@2keller.com
Attorney for Plaintiff

Stephen M. Simone
Simone, Roberts & Weiss, P.A.
1700 Louisiana Blvd. NE, Suite 240
Albuquerque, NM 87112
505-298-9400
ssimone@srw-law.com
Attorney for GEICO as to the UIM Claims

/s/Jessica C. Singer
Jessica C. Singer

FILED IN MY OFFICE
DISTRICT COURT CLERK
5/6/2016 4:45:43 PM
STEPHEN T. PACHECO
Maureen Naranjo

STATE OF NEW MEXICO
COUNTY OF SANTA FE
FIRST JUDICIAL DISTRICT COURT

PAULINE ABEYTA,

Plaintiff,

vs.

No: D-101-CV-2016-01173
Case assigned to Thomson, David K.

GOVERNMENT EMPLOYEES INSURANCE
COMPANY ("GEICO"),

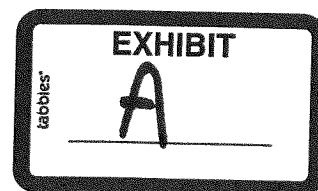
Defendant.

**COMPLAINT FOR UIM BENEFITS, INSURANCE BAD FAITH,
VIOLATION OF THE UNFAIR INSURANCE PRACTICES ACT,
PUNITIVE DAMAGES, AND ATTORNEY'S FEES**

COMES NOW, Plaintiff Pauline Abeyta (hereafter "Plaintiff"), by and through her attorneys, Michael G. Duran (KELLER & KELLER, LLC), and for her Complaint against Defendant Government Employees Insurance Company ("GEICO"), states as follows:

PARTIES AND JURISDICTION

1. Plaintiff Pauline Abeyta is a resident of Ranchos De Taos, Taos County, New Mexico.
2. Upon information and belief, Defendant Government Employees Insurance Company ("GEICO") is a foreign insurer authorized to do business in the State of New Mexico.
3. This is a civil cause of action arising out of a motor vehicle collision which occurred in Santa Fe, County of Santa Fe, State of New Mexico



4. Jurisdiction and venue are proper as all acts complained of occurred in Santa Fe County, New Mexico.

ALLEGATIONS COMMON TO ALL COUNTS

5. Plaintiffs incorporate the allegations contained in Paragraphs 1 through 4 as if fully set out herein.

6. On or about April 25, 2015, Plaintiff Pauline Abeyta was a passenger in a car driven by Fatima Abeyta in Santa Fe, Santa Fe County, New Mexico when struck by the vehicle driven by Gildardo Arreola.

7. As a result of the accident, Plaintiff suffered bodily injuries that required medical treatment and caused her to incur economic and non-economic losses.

COUNT I – UIM BENEFITS

8. Plaintiff incorporates the allegations contained in Paragraphs 1 through 7 as if fully set out herein.

9. Defendant GEICO is an insurer as defined by the laws of the State of New Mexico which is organized and existing under the laws of another jurisdiction but which is authorized to do business and which is conducting business within this State

10. Plaintiff was insured for UM/UIM coverage through Defendant GEICO.

11. Plaintiff has settled her matter with adverse driver, Gildardo Arreola's insurance, which was approved by Defendant GEICO.

12. Accordingly, Defendant GEICO is obligated to pay UIM benefits to Plaintiff for personal injury damages, including but not limited to actual damages, together with pre-judgment interest, costs, consequential damages, emotional distress, hedonic damages, and other undetermined damages, all to be proven at trial.

**COUNT II – INSURANCE BAD FAITH, PUNITIVE DAMAGES, VIOLATION
OF THE UNFAIR INSURANCE PRACTICES ACT, AND ATTORNEY’S FEES
AGAINST DEFENDANT GEICO**

13. Plaintiff incorporates the allegations contained in Paragraphs 1 through 12 as if fully set out herein.

14. At all times pertinent hereto, Defendant ALLSTATE had a duty to treat Plaintiff’s claims in a fair and reasonable manner in accordance with NMSA §59A-16-20.

15. Defendant GEICO has, in violation of NMSA § 59A-16-20(G), compelled Plaintiff to institute litigation to recover amounts due under policy by offering substantially less than the amounts ultimately recovered in actions brought by such insureds when such insureds have made claims for amounts reasonably similar to amounts ultimately recovered.

16. Defendant GEICO has, in violation of NMSA § 59A-16-20(C), failed to adopt and implement reasonable standards for the prompt investigation and processing of insureds’ claims arising under policies

17. Defendant GEICO’s actions were in bad faith, malicious, willful, reckless and/or wanton, entitling Plaintiff to an award of punitive damages.

18. Defendant GEICO has acted unreasonably in failing to pay the Plaintiff’s first-party claim and as a result, Plaintiff is entitled to recover attorney’s fees and costs of this litigation pursuant to NMSA § 39-2-1.

WHEREFORE, Plaintiff prays for judgment against Defendant for compensatory damages, actual damages, hedonic damages, punitive damages, attorneys’ fees and costs,

pre-judgment and post-judgment interest, and for such other and further relief as the Court deems just and proper.

Respectfully submitted,

KELLER & KELLER, LLC

By /s/ Michael G. Duran

Michael G. Duran
505 Marquette Ave. N.W. Ste 1300
Albuquerque, New Mexico 87102
Telephone (505) 938-2300
Attorney for Plaintiffs

STATE OF NEW MEXICO
OFFICE OF SUPERINTENDENT OF INSURANCE

Mailing Address: P.O. Box 1689, Santa Fe, NM 87504-1689

Physical Address: 1120 Paseo de Peralta, Room 428, Santa Fe, NM 87501

Main Phone: (505) 827-4601; Main Fax (505) 827-4734; Toll Free: 1-855-4-ASK-OSI

www.osi.state.nm.us

**SUPERINTENDENT OF
INSURANCE**

John G. Franchini – (505) 827-4299

DEPUTY SUPERINTENDENT

Robert Doucette – (505) 827-4439



Service of Process

Room 432

(505) 827-4241

J 434 (E. McKee)
A. Atkins

August 19, 2016

Government Employees Ins. Co.
Legal Division – Matthew J Zuraw
2280 North Greenville Ave
Richardson, TX 75082

Re: Pauline Abeyta Vs Government Employees Insurance Company ("GEICO"),
D101CV2016-01173

Dear Mr. President:

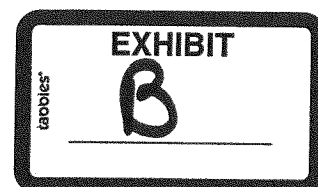
In accordance with the provisions of NMSA 1978, Sections 59A-5-31 & 59A-32, enclosed is a copy of a Summons for Complaint, Complaint for UIM Benefits, Insurance Bad Faith, Violation of the Unfair Insurance Practices Act, Punitive Damages, and Attorney's Fees, Jury Demand, and Plaintiff Pauline Abeyta's First Set of Interrogatories, Requests for Production and Requests for Admission to Defendant Government Employees Insurance Company ("GEICO"), , to Defendant Government Employees Insurance Company ("GEICO") in the State of New Mexico on the above styled cause, Service has been accepted on your behalf as of August 19, 2016.

Respectfully,

John G. Franchini, Superintendent

Enclosure

CERTIFIED MAIL 7010 0290 0002 3835 7195



[Skip to Main Content](#) [Logout My Account](#) [Search Menu](#) [New Civil Probate Family Search](#) [Refine Search](#) [Back](#)
Location : Santa Fe County [Images](#) [Help](#)**REGISTER OF ACTIONS**CASE NO. D-101-CV-2016-01173

Pauline Abeyta v. Government Employees Insurance Company

§
§
§
§
§
§
Case Type: Tort Auto
Date Filed: 05/06/2016
Location: Santa Fe County
Judicial Officer: Thomson, David K.
PARTY INFORMATION

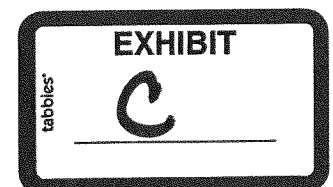
Defendant	Government Employees Insurance Company	Attorneys
Plaintiff	Abeyta, Pauline	Michael Gerard Duran Retained 505-938-2300(W)

EVENTS & ORDERS OF THE COURT

OTHER EVENTS AND HEARINGS	
05/06/2016	Cause Of Actions Bad Faith (Insurance Bad Faith) Action Type Action
05/06/2016	Cause Of Actions Other Damages (Punitive Damages) Action Type Action
05/06/2016	Cause Of Actions Other (UIM Benefits) Action Type Action
05/06/2016	Cause Of Actions Other (Unfair Insurance Practices Act) Action Type Action
05/06/2016	Cause Of Actions Tort: Personal Injury Auto Action Type Action
05/06/2016	OPN: COMPLAINT Complaint for UIM Benefits Insurance Bad Faith Violation of the Unfair Insurance Practices Act Punitive Damages and Attorneys Fees
06/22/2016	JURY DEMAND 6 PERSON Jury Demand - 6 Person
06/22/2016	SUMMONS ISSUED Summons to GEICO

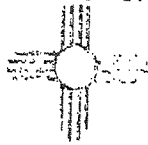
FINANCIAL INFORMATION

Plaintiff Abeyta, Pauline		
Total Financial Assessment		282.00
Total Payments and Credits		282.00
Balance Due as of 09/13/2016		0.00
05/09/2016	Transaction Assessment	132.00
05/09/2016	File & Serve Payment Receipt # SFED-2016-4822 Abeyta, Pauline	(132.00)
06/22/2016	Transaction Assessment	150.00
06/22/2016	File & Serve Payment Receipt # SFED-2016-6393 Abeyta, Pauline	(150.00)



Feb. 15. 2016 11:25AM

No. 2642 P. 2/2



Keller & Keller
NEW MEXICO INJURY LAWYERS

Albuquerque Office
505 Marquette Ave. NW, Ste. 1300
Albuquerque, NM 87102
Tel. 505-938-2300
Fax 505-938-2301
www.2Keller.com

February 10, 2016

VIA FACSIMILE: (214) 442-5164

Eddie McKee
GEICO Region 5 Claims
PO Box 509105
San Diego, CA 92150

RE: Our Client: Pauline Abeyta
Date of Loss: 4/25/2015
Your Claim No: 0472337980101021
Your Insured: Fatima Abeyta

Dear Mr. McKee:

We are in receipt of your UIM settlement of \$2,500.00 new money. We do not feel you are putting nearly enough value on the emotional pain your insured caused Pauline, in addition to the physical pain.

Pauline's husband, Floyd, was under hospice care at home during the final weeks prior to his death. Hospice workers came to the Abeyta home 2-3 times per week for about an hour at a time to check Floyd's vitals. Pauline and her daughter were responsible for helping Floyd bathe, walk, etc. Pauline could not get out of bed or wash herself the first few weeks after the collision. Pauline had to walk around with a pillow. Pauline could not push or lift. Pauline could not cry because her chest hurt too much. Pauline had to calm herself down before she could tend to Floyd. Their daughter, Fatima Abeyta, took leave from work to help during this time period. Fatima did this so Floyd did not have to go to a hospice facility.

Pauline suffered through tremendous pain physically and emotionally. In Pauline's own words, your insured "took it away." When Pauline says this, she is talking about her ability to spend Floyd's final days with him in peace and comfort.

In light of these facts, we believe the value of this UIM claim to be significantly higher than \$2,500.00 new money, and are prepared to litigate this matter if necessary. Pauline will make a compelling and sympathetic witness in front of a Santa Fe jury. We have authority to tender a counter demand of \$69,500.00 new money.

Please contact the undersigned when you are prepared to discuss this matter in greater detail.

Sincerely,

Andy Ray
JAR/bhh

☐—Attorneys Licensed in Florida(^o), Illinois(^o), Indiana(^{*}), Kentucky([□]), Michigan([†]), and New Mexico([#])—☐

George S. Keller (1911 - 2002)	Ryan Johnson ^o	Jameson Young [*]
S. Jack Keller [†]	Joseph Wambaeh [*]	Matthew W. Parker [†]
James R. Keller [†]	Chris J. Supik [™]	Tom Browder [*]
Randall Juergensen [™]	Brian G. Grayson ^o	Amy M. Davis [*]
Joseph Sukup ^{†o}	Timothy E. Burns [*]	Nick Lavella [*]
Andy Ray ^o	Daniel Armstrong [†]	Megan A. Resch ^o
Michael G. Duran ^o		Aaron W. Williams [*]

EXHIBIT

tabbies

0

STATE OF NEW MEXICO
COUNTY OF SANTA FE
FIRST JUDICIAL DISTRICT

PAULINE ABEYTA,

Plaintiff,

v.

No. D-101-CV-2016-01173

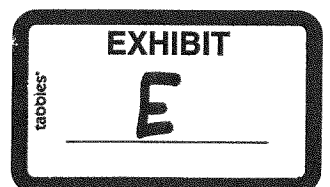
GOVERNMENT EMPLOYEES INSURANCE
COMPANY ("GEICO"),

Defendant.

NOTICE OF FILING OF REMOVAL

PLEASE TAKE NOTICE that Defendant GEICO General Insurance Company ("GEICO") improperly named as Government Employees Insurance Company, by and through its attorneys Chapman and Charlebois, P.C. (Donna L. Chapman and Jessica C. Singer), has filed a Notice of Removal in the United States District Court for the District of New Mexico. A true and correct copy of the Notice of Removal, attached to this Notice as Exhibit "1" was mailed to:

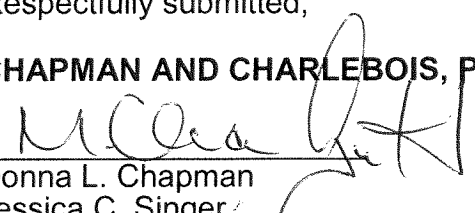
Michael G. Duran
Keller & Keller, LLC
505 Marquette Ave. NW, Suite 1300
Albuquerque, NM 87102
michaeld@2keller.com
Attorney for Plaintiff



Stephen M. Simone
Simone, Roberts & Weiss, P.A.
1700 Louisiana Blvd. NE, Suite 240
Albuquerque, NM 87112
505-298-9400
ssimone@srw-law.com
Attorney for GEICO as to the UIM Claims

Respectfully submitted,

CHAPMAN AND CHARLEBOIS, P.C.


Donna L. Chapman
Jessica C. Singer
P.O. Box 92438
Albuquerque, NM 87199
Tel: (505) 242-6000
donna@cclawnm.com
jessica@cclawnm.com
*Attorneys for GEICO as to the extra-
contractual claims only*

I HEREBY CERTIFY THAT on this 15 day of September, 2016, I filed the foregoing electronically through the Odyssey File and Serve system, which caused the following counsel of record to be served by electronic means, as more fully reflected on the Notice of Electronic Filing, and that a copy was sent via e-mail to the following:

Michael G. Duran
Keller & Keller, LLC
505 Marquette Ave. NW, Suite 1300
Albuquerque, NM 87102
michaeld@2keller.com
Attorney for Plaintiff

Stephen M. Simone
Simone, Roberts & Weiss, P.A.
1700 Louisiana Blvd. NE, Suite 240
Albuquerque, NM 87112
505-298-9400
ssimone@srw-law.com
Attorney for GEICO as to the UIM Claims


Jessica C. Singer

STATE OF NEW MEXICO
COUNTY OF SANTA FE
FIRST JUDICIAL DISTRICT

PAULINE ABEYTA,

Plaintiff,

v.

No. D-101-CV-2016-01173

GOVERNMENT EMPLOYEES INSURANCE
COMPANY ("GEICO"),

Defendant.

ENTRY OF APPEARANCE

Chapman and Charlebois, P.C. (Donna L. Chapman and Jessica C. Singer), hereby enter their appearance on behalf of Defendant GEICO General Insurance Company ("GEICO") improperly named as Government Employees Insurance Company.

Copies of all documents pertaining to litigation in this matter should be sent to the undersigned attorneys.

Respectfully submitted,

CHAPMAN AND CHARLEBOIS, P.C.

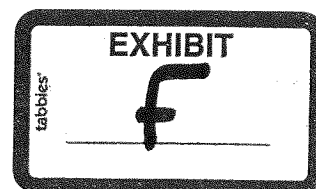
for 

Donna L. Chapman
Jessica C. Singer
P.O. Box 92438
Albuquerque, NM 87199
505-242-6000

donna@cclawnm.com

jessica@cclawnm.com

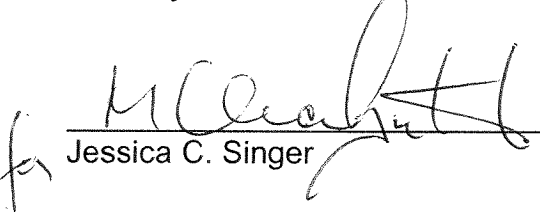
*Attorneys for GEICO as to the extra-contractual
claims only*



I hereby certify the foregoing was served
on the following counsel of record via the
Odyssey File & Serve system on this 15
day of September, 2016:

Michael G. Duran
Keller & Keller, LLC
505 Marquette Ave. NW, Suite 1300
Albuquerque, NM 87102
michaeld@2keller.com
Attorney for Plaintiff

Stephen M. Simone
Simone, Roberts & Weiss, P.A.
1700 Louisiana Blvd. NE, Suite 240
Albuquerque, NM 87112
505-298-9400
ssimone@srw-law.com
Attorney for GEICO as to the UIM Claims


Jessica C. Singer

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS
PAULINE ABEYTA

(b) County of Residence of First Listed Plaintiff **SANTA FE**
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)
MICHAEL G. DURAN
KELLER & KELLER, LLC, 505 MARQUETTE AVE, NW, SUITE 1300
ALBUQUERQUE, NM 87102 505-938-2300

DEFENDANTS
GEICO GENERAL INSURANCE COMPANY

County of Residence of First Listed Defendant
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)
DONNA L. CHAPMAN AND JESSICA C. SINGER
CHAPMAN AND CHARLEBOIS, P.C., P.O. BOX 92438
ALBUQUERQUE, NM 87109 505-242-6000

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
☐ 2 U.S. Government Defendant
☐ 3 Federal Question (U.S. Government Not a Party)
☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|----------------------------|---|----------------------------|---------------------------------------|
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input checked="" type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DJWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes

V. ORIGIN (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding
☒ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from Another District (specify)
☐ 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
28 U.S.C. 1332 (a) and 1441 (b)(2)

Brief description of cause:

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

